

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
(San Francisco venue)**

UNITED STATES OF AMERICA )  
                                )  
v.                            )  
                            )  
ERNESTO R. RODRIGUEZ     )      Docket No.  
                            )      CR 07-0328-01 MHP  
                            )

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**WITHDRAWAL OF DEFENDANT'S REQUEST  
FOR DECLARATION OF RULE 11(c)(1)  
CALIFORNIA PENAL CODE VIOLATION**

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The request for a declaration of the California Penal Code violation conduct underlying the charge to which Mr. Rodriguez pleaded and was sentenced on January 7, 2008, is herewith withdrawn by defendant.

Dated: January 10, 2008

Respectfully submitted,  
GAYLE GUTEKUNST  
ROBERT AMPARAN  
Attorneys for Ernesto Rodriguez

/s/ GAYLE GUTEKUNST  
By Gayle Gutekunst

**CERTIFICATE OF SERVICE**

I hereby certify that on this 10<sup>th</sup> day of January, 2008, I served the foregoing WITHDRAWAL OF DEFENDANT'S REQUEST FOR DECLARATION OF RULE 11(c)(1) CALIFORNIA PENAL CODE VIOLATION on the United States Attorney for the Northern District of California by email addressed as follows:

Derek Owens, Special Ass't U.S. Attorney  
[Derek.Owens@usdoj.gov](mailto:Derek.Owens@usdoj.gov)

and that I served a copy on U.S. Probation for the Northern District of California by faxing a copy to

Ms. Cheryl Simone, US Probation for the Northern District of California at 415-436-7572.

/s/ GAYLE GUTEKUNST  
GAYLE GUTEKUNST  
Attorney at Law  
506 Broadway  
San Francisco, CA 94133  
(415) 986-5591  
fax: (415) 421-1331  
gutekunst@gutekunstlaw.com